

# Vessel Discharges

## Introduction



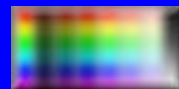
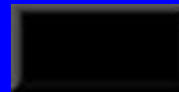
# Legal Framework

- International
- Federal
- *State of Maine*
- Local



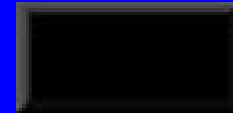
# Issues

- Blackwater
- Graywater
- Oil
- Air
- Invasive Species
- Hazardous Waste



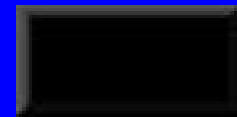
# Blackwater (international)

- MARPOL 73/78 (International Convention for the Prevention of Pollution from Ships). Annex IV (U.S. not a party). 4/12
- Each nation is responsible for its registered vessels; and may examine foreign-flagged vessels.



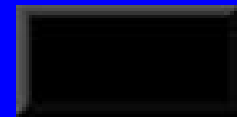
# Blackwater (federal)

- Clean Water Act (CWA). Generally prohibits discharges within 3 miles without a NPDES permit. Early on, an exception was carved out for discharges incidental to the normal operation of vessels.



# Marine Sanitation Devices

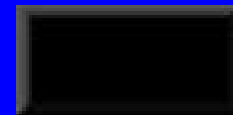
- First part: Discharges incidental to the normal operation of a vessel (sewage and graywater). Vessels are required to be use MSDs for *sewage discharges*.
- Vessels > 65 feet must use Type II or III marine sanitation devices (MSDs) to treat sewage prior to discharge.



## MSDs cont.

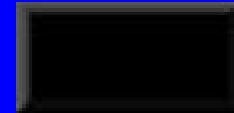
- “No State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to *the design, manufacture, or installation or use* of any marine sanitation device on any vessel subject to the provisions of this section.”

33 USC 1322(f)(1)(a)



# No Discharge Zones (NDZs)

- Second Exception: No Discharge Zones (NDZs)
- Area where discharge of *sewage (treated or untreated)* is completely prohibited.
- By effect of federal rule -- most of the freshwater lakes, rivers, and streams in Maine are already NDZs.

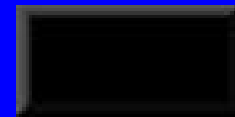




## NDZs cont.

For coastal areas -- there is a process of designation. State formerly requests; EPA designates. The area must meet criteria in one of 3 categories.

- (1) Greater environmental protection needed to protect water quality, and adequate facilities to remove/treat sewage from all vessels are reasonably available.

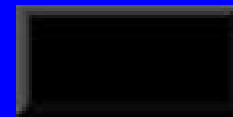


## NDZs cont.

State does not have to show that pumpout stations are reasonable available for:

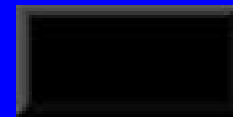
- (2) Greater protection needed for waters of concern (special waters).
- (3) Drinking water intake zones.

Once have a NDZ, it is enforceable both by the state and the federal government.

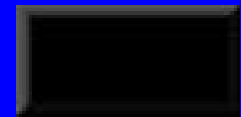


## Chapter 655 (2000)

- “An Act to Rid Maine’s Waters of Ocean Vessel Sewage”
- Established several requirements that DEP has to follow in regard to NDZs in Maine.
- Established a requirement for pump-out facilities for marinas (subject to funding -- cost share).



# Maine -- Blackwater

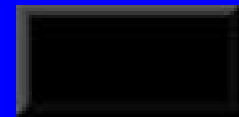


# Blackwater

## Maine's Waste Discharge Law

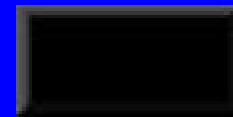
- *“No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license from the department.”*

38 MRSA 413(1)



## Maine -- Waste discharge, cont.

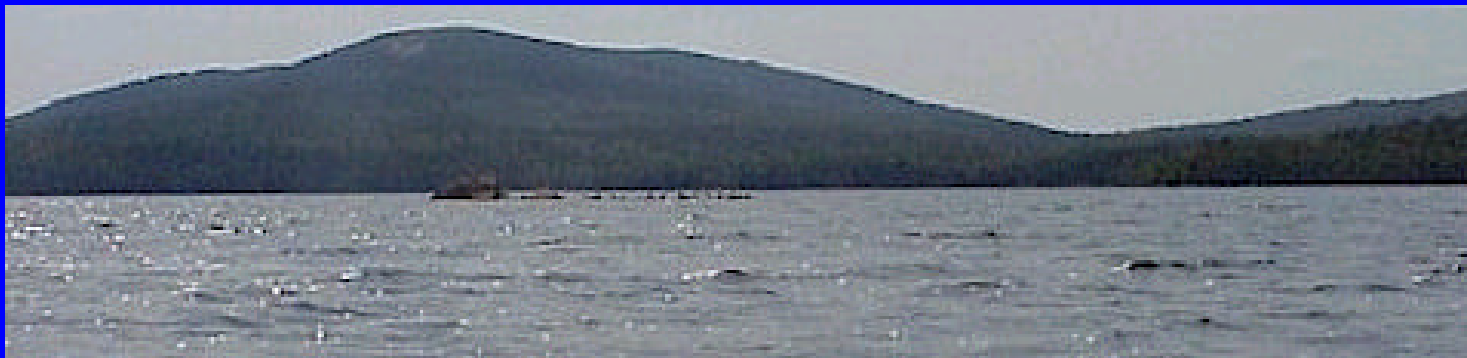
- In early 2001, EPA approved delegation of the federal NPDES program for most of Maine.
- Maine's Waste Discharge Law does not have an exception for discharges from vessels.



## Maine -- Waste discharge, cont.

- “No person...may discharge, spill or permit to be discharged sewage, garbage or other pollutants from watercraft...into inland waters of this State...”.

38 MRSA 423



# Graywater (international)

- MARPOL. Annex IV probably doesn't cover graywater, except in very limited circumstances. U.S. not a party.





# Graywater (federal)

- Graywater discharges from vessels are not currently regulated under the NPDES licensing program.
- Graywater discharges from vessels are not subject to the MSD requirements, except in limited circumstances outside Maine (Great Lakes).



# Graywater (Maine)

- DEP has authority under the Wastewater Discharge Law to regulate graywater from vessels, but hasn't used it up to this point.



# Oil (international)

- MARPOL (Annex I). Came into force in 1983. Mandatory on parties to the treaty.
- Limits discharges of oil and requires maintenance of records concerning oil disposal.



# Oil (federal)

- CWA and Oil Pollution Control Act
- Within 12 miles, discharge is prohibited unless it is put through an oil-water separator and does not cause a visible sheen or exceed 15 ppm.




# Oil (Maine)

- The discharge of oil into or upon any coastal waters estuaries, tidal flats, beaches and lands adjoining the seacoast of the State...is prohibited.”

38 MRSA 543 (in part)



## Maine -- oil, cont.

- The DEP may license effluent contaminated by oil into or upon coastal waters if the discharge:
    - (1) Will receive the best available treatment;
    - (2) Will not degrade existing water quality;
    - (3) Will not perceptibly violate the classification of the receiving waters; and
    - (4) Will not create a visible sheen upon the receiving waters.
- 

## Oil, cont.

### MAINE WASTE DISCHARGE LAW

Other oil discharges. *“No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license from the department.”*



# Air (international)

- MARPOL, Annex VI (less than a handful have ratified it)





## Air (federal)

- Clean Air Act requires EPA to set national emission standards to address problems related to emissions from marine diesel engines.
- EPA recently adopted national emission standards for new marine diesel engines with per-cylinder displacement of 30 liters or more (Category 3) that are installed on vessels flagged or registered in the United States.



## Air (Maine)

- Created in response to federal requirements in the Clean Air Act.
- States are generally preempted from regulating marine engines.
- DEP has generally not regulated air emissions from vessels, except for using its opacity rules in the past.



# Invasive Species (international)

- Developing area.
- Global Invasive Species Program (1997) created to provide information to implement Article 8(h) of the Convention on Biodiversity 1992).
- International Plant Protection Convention (1952). (plant pests)



# Invasive Species (national)

- Executive Order 13112 (Clinton) established the National Invasive Species Council.
- Coast Guard promulgated voluntary guidelines in 1999 for ballast water.
- National Aquatic Nuisance Prevention and Control Act.
- EPA has been petitioned to use the CWA to address invasive species.



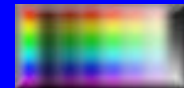
# Invasive Species (Maine)

- Maine's new "Invasives Law" addresses invasive aquatic freshwater plants -- not marine organisms.



# Hazardous waste discharges (Maine)

- Hazardous waste discharges are prohibited under 38 MRSA 1317-A and 1306(3).
- 1318-B(1) requires immediate reporting of any hazardous matter discharge to the Dept. of Public Safety, which notifies the DEP.
- There is also a follow-up written reporting requirement w/in 30 days (ch. 801).



	Blackwater	Graywater	Air	Oil	Invasives	Hazardous materials
<b>International</b>	MARPOL, Annex IV. Comes into effect 9/30. U.S. has not ratified.	Generally not covered by MARPOL, Annex IV.	MARPOL, Annex VI (less than handful of states has ratified).	MARPOL, Annex I. Mandatory.	Developing area.	MARPOL, Annex II (about 250 materials). Mandatory.
<b>Federal--</b> discharges incidental to the normal operation of a vessel are allowed without a license.	CWA and rules -- must meet MSD requirements for "sewage". States may not regulate the "design, manufacture, or use". Can apply for NDZ for sewage discharges.	CWA and rules -- EPA rules exempt vessels with properly functioning laundry, shower, and kitchen facilities from licensing requirements (exceptions -- Great Lakes, Alaska).	CCA ("nonroad vehicles") -- EPA recently issued rules for Category 3 engines (new engines on U.S. flagged/registered ships only). States may not adopt "standards and other requirements relating to the control of emissions."	OPA and CWA -- Within 12 miles, discharge prohibited unless it goes through a separator, and does not cause a visible sheen and does not exceed 15 ppm.	Developing area. A lot of focus on the issue around the country; "biological pollutant" issue.	CWA -- Discharge of hazardous substances prohibited within 12 miles. The exemption for discharges from vessels does not affect this.
<b>Maine</b>	Probably could regulate sewage discharges under Maine Waste Discharge Law, but have not.	Licensing -- could regulate graywater under existing statute, but have not. Could probably prohibit discharges.	Maine has previously used its opacity standards for on a case by case basis, although not in recent years. Some question as to how far the federal preemption goes. Opacity/SIP.	Discharge is prohibited within 12 miles unless licensed and (1) receives BAT, (2) does not degrade existing water quality, (3) does not perceptively violate classification, and (4) no visible sheen.	Nothing at present applicable in Maine.	Discharge of pollutants prohibited, and there is a reporting requirement. State is probably not preempted from enacting stricter standards

# Other States

- Alaska -- Enacted a law regulated commercial passenger vessel discharges in 2001. (LD 1259)
- Florida & Hawaii have voluntary agreements.
- California -- Interagency group is sending a report on the regulation of large passenger vessels to the state legislature.





The End